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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

RIORDAN ET AL.

Atty. Ref.: 1137-12

Serial No. 10/690,718

TC/A.U.: 3679

Filed: October 23, 2003

Examiner: Hewitt, James M.

For: LATERAL CONNECTION SYSTEM

* * * * *

August 4, 2005

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

This paper is being filed in response to the above-captioned Notice dated July 18, 2005, indicating the Amendment filed May 12, 2005, is deficient/non-compliant in that it "each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified."

Applicants respectfully submit that in accordance with a Notice issued by the U.S. Patent and Trademark Office on June 6, 2005 (Acceptance of Certain Non-Compliant Amendments Under 37 CFR 1.121(c)) stating the following:

"37 CFR 1.121(c) provides that, in the complete claim listing of all claims ever presented, the status of every claim must be indicated after its claim number by using one of the following identifiers in parentheses: Original, Currently amended, Canceled, Withdrawn, Withdrawn-currently amended, Previously presented, New, and Not entered. Many applicants continue to use status identifiers that are not provided for in

37 CFR 1.121(c). The Office wants to reduce the burden on both the applicants and the Office and avoid delays in processing that result from holding an amendment non-compliant when the only non-compliance is the use of certain status identifiers that are not provided in 37 CFR 1.121(c) and which are determined to be clear and accurate by the Office. Therefore, the Office hereby waives the provision in 37 CFR 1.121(c) that the status of the claims must be indicated by one of the status identifiers listed in 37 CFR 1.121(c) to the extent permitted in this notice.

Table of status identifiers set forth in 37 CFR 1.121(c) and acceptable alternatives

| Status Identifiers Set Forth in 37 CFR 1.121(c) | Acceptable Alternatives |
|---|---|
| 1. Original | Original Claim; and Originally Filed Claim |
| 2. Currently amended | Presently amended; and Currently amended claim |
| 3. Canceled | Canceled without prejudice; Cancel; Cancelled; Canceled herein; Previously cancelled; Canceled claim; and Deleted |
| 4. Withdrawn | Withdrawn from consideration; Withdrawn – new; Withdrawn claim; and Withdrawn-currently amended (see note below) |
| 5. Previously presented | Previously amended; Previously added; Previously submitted; and Previously presented claim |
| 6. New | Newly added; and New claim |
| 7. Not entered | Not entered claim |

Note: 37 CFR 1.121(c) sets forth that “Withdrawn–currently amended” is an acceptable variation of the status identifier “Withdrawn” for a withdrawn claim that is currently amended.

Additionally, the Office may also accept other variations of the status identifiers provided in 37 CFR 1.121(c) when the examiner determines that the status identifier used by applicant clearly and accurately designates the status of the claim.”

The claim identifiers used in the May 12, 2005, Amendment are, in fact, in compliance with 37 C.F.R. 1.121(c). However, in order that there be no doubt in this matter, attached please find “Amendments to the Claims” section of the previously submitted Amendment with corrections to the claim identifiers.

This response is timely filed. Please proceed to process the Amendment filed May 12, 2005, and with the examination of this application.

Respectfully submitted,

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